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EXAMINER	
VAN HANDEL, MICHAEL P	
ART UNIT	**PAPER NUMBER**
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/883,238	SATO, KEIJI	
	Examiner	Art Unit	
	Michael Van Handel	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-8 and 11-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-8 and 11-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 11/14/2006. Claims **1, 2, 4-8, 11-16** are pending. Claims **1, 4-8, 11, 12, 16** are amended. Claims **3, 9, 10, 17, 18** are canceled.

Response to Arguments

1. Applicant's arguments regarding claims **1, 2, 6-8**, and **11-16**, filed 11/14/2006, have been fully considered, but they are not persuasive.

Regarding claims **8** and **16**, the applicant argues that Miller et al. does not disclose receiving the program information about a program to be broadcast from the broadcasting unit and sponsor-recruiting information for recruiting a sponsor who pays for the cost of displaying an object displayed during and as part of the program on a display screen displaying the program. The examiner respectfully disagrees. Miller et al. discloses receiving transmitted program schedule data or application software on signal input line 11 (col. 8, l. 14-15, 24-27). Miller et al. further discloses receiving Pay-Per-View (PPV) schedule information. A PPV menu screen display includes a video display section in which short promotional clips of current and future events and services can be shown to the user while the user is viewing the PPV scheduling information (col. 18, l. 14-18 & Fig. 22). When a user highlights a PPV event or service, he can order the event or service. Upon depressing the ENTER button, the programming schedule system presents the user with a PPV ordering screen (col. 18, l. 26-35 & Fig. 23). This display asks the user to choose from among a plurality of scheduled airing times (col. 18, l. 36-43).

After the user has ordered a PPV event or service, the program schedule system presents the user with ordering confirmation submenus to confirm the PPV event or service (col. 18, l. 43-48 & Fig. 24, 24A). Since Miller et al. discloses informing a user about a PPV event to be broadcast through promotional clips, the examiner interprets Miller et al. as meeting the limitation of "receiving the program information about a program to be broadcast from the broadcasting unit," as currently claimed. Also, since Miller et al. discloses displaying promotional clips for a PPV event to be broadcast, and further discloses allowing a user to order the PPV event, so that the user may watch the event at a particular future air time, the examiner interprets this functionality as meeting the limitation of receiving "sponsor-recruiting information for recruiting a sponsor who pays for the cost of displaying an object displayed during and as part of the program on a display screen displaying the program," as currently claimed.

Further regarding claims **8** and **16**, the applicant argues that Miller et al. does not teach transmitting sponsor-designating information to the broadcasting unit for designating that the owner of the receiving unit becomes the sponsor who pays for the cost of displaying the object to said broadcasting unit. The examiner respectfully disagrees. Continuing from the functionality described above, Miller et al. further discloses that if the user confirms a PPV event/service order, the PPV ordering information is stored and transmitted to the cable operator (col. 18, l. 49-54). The examiner interprets this functionality as meeting the limitation of "transmitting sponsor-designating information to the broadcasting unit for designating that the owner of the receiving unit becomes the sponsor who pays for the cost of displaying the object to said broadcasting unit," as currently claimed.

Regarding claims **1**, **2**, **6**, and **11-14**, the applicant argues that Rhoads et al. does not disclose extracting an object appearing in a program which is to be broadcast so as to generate an object extraction table in accordance with the information of the time or frame and display position of the object on a screen. The examiner respectfully disagrees. Specifically, the applicant argues that the database that looks up an action associated with watermark information extracted from content, as described by Rhoads et al., is not a description of a database lookup in an object extraction table. Rhoads et al. discloses a database that associates an action with watermark information. The database looks up an action, such as issuing a query to a web server and returning a web page to the user via the Internet, associated with watermark information extracted from content (col. 5, l. 1-9, 65-67). This database is created when a user extracts video objects from a video sequence by using an editing tool to draw boundaries around desired video objects. The encoding process records the screen location information for each object in the relevant frames and associates it with auxiliary information provided by the user (col. 8, l. 21-27, 54-61; col. 9, l. 1-18; & col. 10, l. 20-24). Rhoads et al. further discloses that the index in the database includes different types of information for looking up actions corresponding to watermarks, including time or date, a frame identifier, its screen location, etc. (col. 14, l. 47-54). Since Rhoads et al. discloses an index that correlates watermarked video objects with corresponding actions in accordance with frame and screen location information, the examiner maintains that Rhoads et al. meets the limitation of "extracting an object appearing in a program which is to be broadcast so as to generate an object extraction table in accordance with the information of the time or frame and display position of the object on a screen," as currently claimed.

Further regarding claims **1**, **2**, **6**, and **11-14**, the applicant argues that Rhoads et al. does not generate advertisement information about the extracted video object. The examiner respectfully disagrees. Rhoads et al. discloses that watermarks can link to external information or an action, such as retrieval and output of information stored elsewhere in a database, website, etc. Watermark linking enables the action associated with the watermark to be dynamic, that is, the link embedded in the content may remain the same, but the action or information it corresponds to may be changed (col. 4, l. 31-37 & col. 5, l. 1-9, 65-67). Rhoads et al. further discloses that the actions can change with changing circumstances of the viewer, content provider, advertiser, etc. (col. 14, l. 47-67). After a web server receives the request, it returns the requested information to the user (col. 15, l. 17-27). Rhoads et al. still further discloses that video objects representing advertising or promotions may be watermark enabled. For example, an advertiser such as Ford would produce a watermark-enabled ad that would pop up specifically for users to click. By clicking on the ad, users would be directed to Ford's website (col. 19, l. 60-67). Since Rhoads et al. discloses dynamically associating advertising websites with video objects, the examiner maintains that Rhoads et al. meets the limitation of "generating advertisement information about the extracted object, which is carried out principally with reference to said object extraction table correlating the advertisement information to the object using the frame and display position of the object," as currently claimed.

Still further regarding claims **1**, **2**, **6**, and **11-14**, the applicant argues that Rhoads et al. does not teach transmitting the program information, advertisement information, and sync information to said receiving unit separately from the program. The examiner respectfully disagrees. Rhoads et al. discloses transmitting watermarked content to a viewer (col. 8, l. 17-18).

Rhoads et al. further discloses that the system may be configured to have a decoder in a personal and portable Internet personal device (PD). This decoder would decode watermarked video objects and the watermark associated information, including watermark IDs, locations, and other context information (col. 15, l. 66-67; col. 16, l. 1-15; & Fig. 9). The receiving PD performs the functions of enabling the user to select a video object, retrieving the linked information or actions for the selected object from a network, database, server, etc. (using time or date information, frame identifiers of the selected objects, object screen locations, etc. (col. 14, l. 50-54)), and rendering them on its user interface (col. 16, l. 20-28 & col. 17, l. 9-25). Since Rhoads et al. discloses transmitting a video program to a set top box and further transmitting watermarked video object links, their associated context information (such as time or date information, frame identifiers of the selected objects, object screen locations, etc.), and advertising websites associated with the watermarked video objects to a PD, the examiner maintains that Rhoads et al. meets the limitation of "transmitting the program information, advertisement information, and sync information to said receiving unit separately from the program," as currently claimed.

Still further regarding claims **1**, **2**, **6**, and **11-14**, the applicant argues that Rhoads et al. does not teach generating the sponsor-recruiting information for recruiting a sponsor who pays for the cost of displaying the extracted object. The applicant further argues that Rhoads et al. does not teach transmitting the program information and sponsor-recruiting information to said receiving unit. The examiner respectfully disagrees. Rhoads et al. discloses watermark-enabled video objects that are linked to electronic commerce and advertising available on the Internet. For example, video objects may be linked to opportunities to rent or buy the content currently

being viewed. At the beginning or end of the film, a watermark enabled logo may be overlaid on a video signal to allow the user to access a website to purchase or rent the movie (col. 20, l. 22-32). Since the watermark is embedded in a video object within the currently viewed content, by buying or renting the currently viewed content, the user is effectively paying for the cost of displaying that object when the content is watched again. Thus, the examiner maintains that Rhoads et al. meets the limitations of "generating the sponsor-recruiting information for recruiting a sponsor who pays for the cost of displaying the extracted object" and "transmitting the program information and sponsor-recruiting information to said receiving unit," as currently claimed.

Regarding claims **7** and **15**, the applicant argues that Kitsukawa et al. does not disclose synchronously outputting the program information and relevant information in accordance with the stored sync information. The examiner respectfully disagrees. Kitsukawa et al. discloses receiving advertising information prior to receipt of the scenes or television programs in which identified items corresponding to the advertising information appear, in which case the advertising information is stored along with timing data that links the advertising information in the corresponding scene or program (col. 6, l. 54-60). The examiner interprets this timing data to be sync information. Since this timing data is used to link advertising information to a corresponding scene, the examiner maintains that Kitsukawa et al. meets the limitation of "synchronously outputting the program information and relevant information in accordance with the stored sync information," as currently claimed.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims **1, 6, 11,** and **12** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims **1, 6, 11,** and **12,** the applicant refers to p. 10, lines 6-8 in support of the amended "transmitting the program information, advertisement information, and sync information to said receiving unit *separately from the program*," claim language. The examiner notes; however, that the cited passage refers to transmitting relevant information (advertisement information and auction information about a commodity and the like) separately from the program information (p. 10, lines 6-8). Since this clearly differs from the amended claim language, the examiner recommends that the applicant change the claim language to better correspond to its supporting text.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **8**, **16** are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al.

Referring to claims **8** and **16**, Miller et al. discloses a receiving unit/method of receiving programs, broadcast by a broadcasting unit, by a receiving unit of a listener, the method comprising:

- receiving the program information about a program to be broadcast from the broadcasting unit and sponsor-recruiting information for recruiting a sponsor who pays for the cost of displaying an object displayed during and as part of the program on a display screen displaying the program (col. 8, l. 14-15 & col. 18, l. 14-18, 26-48);
- storing the program information and sponsor-recruiting information (col. 8, l. 24-27);
- outputting the stored program information and sponsor-recruiting information (Figs. 22-24A); and
- transmitting sponsor-designating information to the broadcasting unit for designating that the owner of the receiving unit becomes the sponsor who pays for the cost of displaying the object to said broadcasting unit (col. 18, l. 49-54).

3. Claims **1**, **2**, **6**, **11-14** are rejected under 35 U.S.C. 102(e) as being anticipated by Rhoads et al.

Referring to claims **1**, **2**, **11**, and **13**, Rhoads et al. discloses a computer-readable recording medium/broadcasting unit/method of broadcasting programs, executed by a broadcasting unit in a broadcasting system, said broadcasting system also including at least one receiving unit of a listener, the method comprising:

- reading program information from a program-information database provided in said broadcasting unit and image-analyzing the thus read-out program information (col. 8, l. 11-24 & Fig. 4);
- extracting an object appearing in a program which is to be broadcast so as to generate an object extraction table in accordance with the information of the time or frame and display position of the object on a screen (col. 5, l. 1-9, 65-67; col. 8, l. 21-27, 54-61; col. 9, l. 1-18; col. 10, l. 20-24; & col. 14, l. 47-67);
- generating advertisement information about the extracted object, which is carried out principally with reference to said object extraction table correlating the advertisement information to the object using the frame and the display position of the object (col. 4, l. 31-37; col. 5, l. 1-9, 65-67; col. 14, l. 47-67; col. 15, l. 17-27; & col. 19, l. 60-67);
- generating sync information to be used for synchronizing the program information with the advertisement information (col. 8, l. 24-26; col. 10, l. 34-43; & col. 13, l. 62-67); and
- transmitting the program information, advertisement information, and sync information to said receiving unit separately from the program (col. 8, l. 17-18; col. 16, l. 3-15, 20-28; & col. 17, l. 9-25).

Referring to claims **6**, **12**, and **14**, Rhoads et al. discloses a computer-readable medium/method of broadcasting programs, executed by a broadcasting unit in a broadcasting system, said broadcasting system also including at least one receiving unit of a listener, the method comprising the steps of:

- reading program information from a program-information database provided in said broadcasting unit and image-analyzing the thus read-out program information (col. 8, l. 11-24 & Fig. 4);
- extracting an object appearing in a program which is to be broadcast to generate an object extraction table in accordance with the information of the time or frame and display position of the object on a screen (col. 5, l. 1-9, 65-67; col. 8, l. 21-27, 54-61; col. 9, l. 1-18; col. 10, l. 20-24; & col. 14, l. 47-67);
- generating relevant information about the extracted object, which is carried out principally with reference to said object extraction table correlating the advertisement information to the object using the frame and the display position of the object (col. 4, l. 31-37; col. 5, l. 1-9, 65-67; col. 14, l. 47-67; col. 15, l. 17-27; & col. 19, l. 60-67);
- generating sponsor-recruiting information for recruiting a sponsor who pays for the cost of displaying the extracted object (since a watermark is embedded in a video object within the currently viewed content, by buying or renting the currently viewed content the user is effectively paying for the cost of displaying that object when the content is watched again)(col. 15, l. 2-7 & col. 20, l. 23-28); and

- transmitting the program information and the sponsor-recruiting information to said receiving unit separately from the program (col. 8, l. 17-18; col. 16, l. 3-15, 20-28; & col. 17, l. 9-25).

Further referring to claim **14**, Rhoads et al. discloses a sponsor-designating information receiver, which receives the sponsor-designating information for designating that the owner of the receiving unit becomes the sponsor who pays for the cost of displaying the object to said receiving unit (col. 15, l. 1-7).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims **7**, **15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitsukawa et al. in view of Rhoads et al.

Referring to claims **7** and **15**, Kitsukawa et al. discloses a receiving unit/method of receiving programs, broadcast by a broadcasting unit, by a receiving unit of a listener, the method comprising:

- receiving the program information about a program to be broadcast from the broadcast unit, relevant information about an object displayed onto the display screen of the program, which is generated in the broadcasting unit including the advertisement information about advertisement of the object, and sync

information for synchronizing the program information with the relevant information from said broadcasting unit, said sync information including the information about the time at which the object is displayed or the frames that contain the object and storing the received program information, relevant information, and sync information and synchronously outputting the program information and relevant information in accordance with the stored sync information (col. 6, l. 54-60).

Kitsukawa et al. does not disclose that the sync information include information about the display position at which the object is displayed. Rhoads et al. discloses a watermark that contains locations defining the screen locations of a related video object (col. 6, l. 10-12). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Kitsukawa et al. to include screen location information, such as that taught by Rhoads et al. in order to provide an editor with more control over the display of supplemental content.

6. Claims **4**, **5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads et al. in view of Narayan.

Referring to claims **4** and **5**, Rhoads et al. discloses the method according to claim 1. Rhoads et al. does not disclose that the advertisement information is the auction information about auction of the object, and the method further comprising:

- receiving purchase values of the object to be auctioned from said receiving unit;
- transmitting the highest value among the received purchase values;

- deciding the listener transmitting the highest price as a successful bidder of the object when broadcasting of the program information is completed; and
- transmitting information about the successful bidder to the receiving unit.

Narayan discloses encoding data (including the highest bid) relating to an auction item in a television signal (p. 5, l. 21-22), allowing a user to transmit a higher bid (p. 7, l. 6-8), and determining that the user has the highest bid and allowing the user to pay the bid amount and receive the item after the auction time has expired (p. 17, l. 11-13). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Rhoads et al. to include encoding data relating to an auction item, such as that taught by Narayan in order to enable viewers of television systems to participate in auctions (p. 2, l. 19-20).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH

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